

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| |
|---|
| DENISE DIAZ, Plaintiff, -against- CITY OF NEW YORK, et al., Defendants. |
|---|

**DECLARATION OF
ELIZABETH N. KRASNOW
IN SUPPORT OF
INVESTIGATOR FLORES'
MOTION FOR SUMMARY
JUDGMENT**

13 Civ. 8281 (JCF)

ELIZABETH N. KRASNOW, an attorney duly admitted to practice in the State of New York, declares under penalty of perjury and pursuant to 28 U.S.C. §1746, that the following is true and correct:

1. I am an Assistant District Attorney in the New York County District Attorney's Office ("DANY"). I represent defendant Investigator Jose Flores in the above-captioned matter brought by plaintiff Denise Diaz.

2. I respectfully submit the exhibits listed below in support of Investigator Flores' motion for summary judgment.

| | |
|---------------|---|
| <u>Exh. A</u> | DANY Investigations Bureau Opening Report and Follow-Up Reports |
| <u>Exh. B</u> | Affidavit of Investigator Jon Reid in support of a search warrant and the endorsed warrant |
| <u>Exh. C</u> | Excerpts of the deposition of Denise Diaz |
| <u>Exh. D</u> | Summons and complaint in asset forfeiture action filed by DANY against Diaz |
| <u>Exh. E</u> | Verified answer in asset forfeiture action |
| <u>Exh. F</u> | Checks from IT & Security Solutions to Diaz dated 10/14/2010, 10/22/2010, 10/28/2010, and 11/5/2010, 11/16/2010 |

| | |
|---------------|--|
| <u>Exh. G</u> | Photographs taken by DANY investigators on November 24, 2010 in connection with the arrest of George Castro |
| <u>Exh. H</u> | Excerpts of the deposition of Anthony Borelli |
| <u>Exh. I</u> | Excerpts of the deposition of Jose Flores |
| <u>Exh. J</u> | Declaration of Brandon del Pozo |
| <u>Exh. K</u> | Internal Affairs Bureau (“IAB”) Investigating Officer’s Reports for Corruption Case #10-58607 |
| <u>Exh. L</u> | IAB log for Corruption Case #10-58607 |
| <u>Exh. M</u> | Report dated November 24, 2010 under IAB Log #10-58607 concerning modification of Diaz |
| <u>Exh. N</u> | Excerpt of the command log of the 24th precinct |
| <u>Exh. O</u> | Declaration of Catherine Montaruli |
| <u>Exh. P</u> | IAB closing report for Corruption Case #10-58607 |
| <u>Exh. Q</u> | Check from Diaz to DANY dated April 13, 2011 |
| <u>Exh. R</u> | Certificate of disposition in <i>People v. Castro</i> , New York County Indictment No. 2922/2011 |
| <u>Exh. S</u> | Memorandum from Commanding Officer of IAB Group 10 recommending Charges and Specifications against Diaz, dated June 13, 2014 |
| <u>Exh. T</u> | Text message exchange between Diaz and Castro, dated October 4, 2010 |

3. On the afternoon of October 29, 2015, plaintiff’s counsel provided me with an executed errata sheet for his client’s deposition. Under Federal Rule of Civil Procedure 30(e)(1), a party must request an opportunity to complete an errata sheet before the deposition concludes and must return the executed errata sheet within 30 days of the transcript becoming available. Plaintiff’s counsel did not make such a request during the

deposition and I provided him a copy of the transcript on August 27, 2015. I did not receive the errata sheet until the day before the deadline to file Investigator Flores' motion, which relies on the transcript. However, having reviewed the errata sheet, I do not have an objection to the majority of the changes and therefore am filing it as part of Exhibit C. I am reserving my objection to the changes that say "missing statement," "wrong statement written," or "missing words to statement" as I have no way to know what Sergeant Diaz thinks she may have said, or not said, that is not erroneously missing from, or reflected in, the transcript. Those charges are to the following pages and lines: 64:11, 72:25, 73:14, 74:22, and 75:18.

Dated: October 29, 2015
 New York, New York

_____/s
Elizabeth Norris Krasnow
Assistant District Attorney